
SENATE BILL No. 369

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-22-2.5-2; IC 4-22-2.5-2.5.

Synopsis: Expiration of administrative rules. Makes changes in the procedure for expiration of administrative rules and reinstates administrative rules that are allowed to expire before the effective date of this act.

Effective: Upon passage.

Harrison

January 8, 2002, read first time and referred to Committee on Public Policy.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 369

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-22-2.5-2, AS AMENDED BY P.L.146-2001,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (b) **or**
4 **(c)** or section 1.1 of this chapter, an administrative rule adopted under
5 IC 4-22-2 expires January 1 of the seventh year after the year in which
6 the rule takes effect, unless the rule contains an earlier expiration date.
7 The expiration date of a rule under this section is extended each time
8 that a rule amending an unexpired rule takes effect. The rule, as
9 amended, expires on January 1 of the seventh year after the year in
10 which the amendment takes effect.
11 (b) An administrative rule that:
12 (1) was adopted under IC 4-22-2;
13 (2) is in force on December 31, 1995; and
14 (3) is not amended by a rule that takes effect after December 31,
15 1995, and before January 1, 2002;
16 expires not later than January 1, 2002.
17 **(c) A rule that under subsection (a) would expire after March 1,**

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IN 369—LS 7274/DI 14+



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2002, and before January 1, 2004, does not expire until December 31, 2003.

SECTION 2. IC 4-22-2.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) Each agency shall list in the Indiana Register the agency's rules that are scheduled to expire not later than April 1 immediately preceding the date the rules are set to expire.

(b) If an agency receives a written request for a hearing from a party claiming to be aggrieved by the expiration of the rule for a rule described in subsection (a) not later than thirty (30) days after the publication of the list in the Indiana Register, the agency shall hold a hearing on the pending expiration of the rule.

(c) If the agency receives a written request under subsection (b), the agency shall notify the public of its intention to hold a hearing on the expiration of a rule following the notice provisions of IC 4-22-2-24(b) through IC 4-22-2-24(e).

(d) An agency with rules described in subsection (a) shall provide the administrative rules oversight committee with a list of the rules before the list is published in the Indiana Register.

SECTION 3. [EFFECTIVE UPON PASSAGE] Notwithstanding IC 4-22-2.5, rules that expired under IC 4-22-2.5 before the effective date of this SECTION shall be treated for all purposes as if the rules did not expire. The rules described in this SECTION shall be treated for all purposes as if the rules were in effect continuously from the date of the expiration of the rule under IC 4-22-2.5 (before its amendment by this act) until the earliest of the following that occurs after the effective date of this SECTION:

- (1) The date the rule is amended under IC 4-22-2.
- (2) The date the rule is repealed under IC 4-22-2.
- (3) January 1, 2009.

SECTION 4. An emergency is declared for this act.

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